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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

IN RE

LOVE BITES BY CARNIE, INC.
Debtor.

CASE No.: 21-32073-DWH11

**CREDITOR BENEFICIAL STATE BANK'S
MOTION TO REOPEN CASE**

Creditor BENEFICIAL STATE BANK (hereinafter “**BSB**”), through its attorney Erich M. Paetsch, moves the Court for an Order Reopening the case pursuant to 11 U.S.C. § 350(b), Fed. R. Bankr. P. 5010, and Local Bankruptcy Rule 5010-1.

POINTS AND AUTHORITIES

The Court entered a Final Decree closing the case on November 16, 2022. [Docket # 266]. BSB requests that the case be reopened to submit its Order Terminating Enforcement Injunction and relating to Debtor Love Bites by Carnie, Inc. (hereinafter “**Debtor**”) and third parties pursuant to the First Amended Chapter 11, Subchapter V, Plan Dated 03/29/2022 (hereinafter the “**Plan**”) [Docket # 115] and related Confirmation Order [Docket # 226]. This Motion is being filed concurrently with a Motion for an Order Terminating Enforcement Injunction and a Certificate of Non-Compliance. BSB does seek a hearing on this Motion.

Section 6.4 of the Plan provides for retention of jurisdiction by the Bankruptcy Court to “make such orders as are necessary or appropriate to implement the provisions of this Plan and to

resolve any disputes arising from implementation of the Plan.” Section 2.5 of the Plan states that a Creditor may seek to terminate the Enforcement Injunction to enforce its default remedies upon providing the Debtor with ten days notice to cure the default. Debtor is in default for failure to pay the regular monthly payments due pursuant to the Plan. BSB has provided Debtor and the effected third parties with the required notice and opportunity to cure. BSB now seeks to submit an Order Terminating Injunction to exercise its default remedies. Good cause exists to reopen the case so BSB can terminate the injunction and exercise its default remedies.

Pursuant to Local Bankruptcy Rule 5010-1(a), the debtor’s current mailing addresses are the following:

1. Love Bites By Carnie, Inc.
C/o Douglas R. Ricks
Vanden Bos & Chapman, LLP
319 SW Washington Street, Suite 520
Portland, OR 97204
2. Love Bites by Carnie, Inc.
15028 SW Century Dr.
Suite 200
Sherwood, OR 97140

CONCLUSION

Wherefore, BSB respectfully requests that the Court reopen the case for the reasons set forth above.

Dated this 4th day of May 2023.

SAALFELD GRIGGS PC

By /s/ Erich M. Paetsch

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CASE No.: 21-32073-DWH11

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of May 2023, I served a true copy of **CREDITOR BENEFICIAL STATE BANK'S MOTION TO REOPEN CASE** by *electronic* means through the Court's Case Management/Electronic Case File system, which will send automatic notification of filing to each registered user of such system. According to the system this includes:

- CHRISTOPHER N COYLE chris@vbcattorneys.com; ecfmail@vbcattorneys.com
- KENNETH S EILER or10@ecfcbis.com
- NICHOLAS J
 HENDERSON nhenderson@portlaw.com; tcoble@portlaw.com;
 tsexton@portlaw.com;
 hendersonnr86571@notify.bestcase.com
- JAMES W HENDRY jhendry@brownsteinrask.com; tn@brownrask.com
- ROBERT E KELLOGG robert@rekpc.com
- SCOTT J MITCHELL scott@monsonlawoffice.com
- DOUGLAS R RICKS ecfmail@vbcattorneys.com; doug@vbcattorneys.com;
 sara@vbcattorneys.com; ecfmail@vbcattorneys.com

- THOMAS W STILLEY tom@sussmanshank.com; jhume@sussmanshank.com; ecf.thomas.stilley@sussmanshank.com; Thomas-stilley-7866@ecf.pacerpro.com
- CHRISTIAN A TORIMINO Christin.torimino@usdoj.gov
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- US TRUSTEE,
PORTLAND USTPRegion18.PL.ECF@usdoj.gov
- JESSIE YOUNG Jessie.young@usdoj.gov; nicole.smith@usdoj.gov

I further certify that on the 4th day of May 2023, I served the aforementioned pleading on the following parties:

Douglas R. Ricks
Vanden Bos & Chapman, LLP
319 SW Washington St
Suite 520
Portland, OR 97207

Love Bites Acquisition Partners, LLC
c/o Brooks Pickering, President
301 SE 2nd Ave.
Portland, OR 97214
Attention: Brooks Pickering
bpickering@driveequitypartners.com

Dated this 4th day of May 2023.

SAALFELD GRIGGS PC

BY /s/ Erich M. Paetsch

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